Frank Trial Adjourned Until Monday Morning With Solicitor Hugh Dorsey in Midst of Impassioned Speech

MRS. COLEMAN WEEPS AND FRANK'S WIFE COVERS FACE WITH HANDS DURING SPEECH

Solicitor Was Nearing End of Masterly Address When the Court Ordered a Recess Until Monday Morning-At That Time the Solicitor Will Conclude, the Judge Will Deliver His Charge and the Case Will Go to Jury for Decision

FRANK'S TIME ALIBI ATTACKED BY SOLICITOR THROUGH FRANK'S OWN STATEMENT TO POLICE

Dorsey Declares Frank First Told Police He Did Not Leave Factory Until 1:10 and That He Could Not Have Been Seen on Whitehall at That Hour-Case of Defense Assailed At Every Point-Here Is Speech in Full

So eloquent did Solicitor Dorsey become in his argument Saturday afternoon that Mrs. J. W. Coleman, mother of Mary Phagan, the little girl for whose murder Leo M. Frank is on trial, became hysterical and uttered several piercing cries, interrupting the solicitor's argument for several minutes.

The plainly apparent anguish of Mrs. Coleman had its effect upon Frank's mother and wife, and they covered their faces with their hands, while friends sought to quiet the distracted and bereaved mother.

Mrs. Coleman was overcome with emotion when Solicitor Dorsey, pointing his finger at the defendant, declared that Mary Phagan had sacrificed her life to protect her honor. Mr. Dorsey spoke with tenderness of the little girl, but he bitterly arraigned Frank, pointing him out as the man whose awful passions had driven him to commit an atrocious murder.

Court adjourned at 1:40 until 9 o'clock Monday morning. Mr. Dorsey had not concluded his argument although he had spoken for six hours and ten minutes.

Solicitor Dorsey's speech was a masterly presentation of the state's case. It was an unusually eloquent effort, but it was not characterized so much by oratory as it was by a logical analysis of the evidence.

Section by section, the solicitor read the statement made by the defendant and section by section he pointed out flaws. His analysis of this statement was a most exhaustive one. He has, so far, dwelt on no portion of Jim Conley's testimony that is not corroborated by other witnesses. And in getting this corroboration the solicitor used the testimony of many of the witnesses for the defense as well as the defendant's own statements.

The solicitor's speech made a great impression upon the spectators in the court room and when court adjourned he was warmly congratulated. The crowds on the street in front of the court house cheered him as he left the build.

Taking up the charge of the defense that perjury had figured largely in the evidence of the state Solicitor Dorsey cited, one after another, the name and testimony of witnesses for the defense, and attacked the truth of their evidence. He also called the attention of the jury to the fact that many of the defense witnesses—employees of the pencil factory—had been given raises in their pay since the murder of Mary Phagan.

"And the raises did not stop at the pencil factory," said he, "Minola McKnight, cook at Frank's home, also get a raise."

Two of the witnesses for the defense—Mrs. Carson and Mrs. Small—declare Mr. Dorsey, had corroborated Jim Conley's statement to the effect that he and Frank were on the fourth floor of the factory on Monday after the murder. Conley swore in his affidavit to the police, that he met Frank on the fourth floor and the latter, while passing him had whispered to him and told him to "be a good boy."

A vigorous and detailed attack was made by Solicitor Dorsey upon the time chart alibi, offered by the attorneys for Leo M. Frank, and upon which

they are largely depending to establish his innocence of the murder of Mary Phagan.

Mr. Dorsey contrasted this time chart with affidavits made by Frank and other witnesses as to the time certain incidents occurred on the day of the murder. He called attention to the fact that t the time chart says Frank left the factory to go to lunch at 1 o'clock..., but that in his affidavit to the detectives Frank swore he left at 1:10.

"This chart," said Mr. Dorsey, "makes Mary Phagan arrive at the factory at 12:12, when Frank has stated that she came ten or fifteen minutes after Mrs. Freeman and Miss Halt left at 12:02. The chart says Lemmie Quinn came to the factory between 12:20 and 12:22, while the testimony of Mrs. Freeman and Miss Hall indicate he arrived before 12".

"Holloway, Alonzo Mann and Irby say Frank arrived at the factory that Saturday morning at 8:25; Frank himself says 8:30 and Jim Conley says 8:30."

The chart, declared Mr. Dorsey, shows that Frank had Schiff phone at 10 o'clock, but that in his statement Frank swore he was at Montag's at 10. "Marrie Smith says she left at 9:15," asserted the solicitor.

Mr. Dorsey reminded the jury that the defense produced Miss Curran, daughter of an employee of Montag Bros., who swore she saw Frank at the corner of Alabama and Whitehall streets, at 1:10. "How could that be," asked Mr. Dorsey, "if Frank didn't leave the factory until 1:10, the hour he himself says he left?".

Before taking up the time chart alibi Mr. Dorsey cited many cases to the jury where men of presumably good character had committed heinous crimes. Among them was Abe Ruef, of San Francisco; Oscar Wilde, Benedict Arnold; Mary McCune, of Charlottesville, Va.; Preacher Richeson, of Boston, and Henry Clay Beattle, of Richmond.

At 5:45 o'clock, Saturday, expected to be the final day of the Frank trial outside of the jury room, the first man took his station facing the closed doors of the court room and began his wait.

Half an hour later thirty men were waiting in the line behind him.

At 8:45 o'clock when the doors were opened, the line numbered hundreds of people, men and women.

More women attended the trial than at any previous session. The majority of these were given right of way into court and were seated when

the doors were opened and the court officers took their station to admit the waiting line, one person at a time.

At 9:05 o’clock Solicitor Dorsey said:

“May it please your brother and gentlemen of the jury, I had just about completed the matter of character when we adjourned yesterday. And I think I had demonstrated to the satisfaction of any fair-minded man that this defendant has not a good character.”

“The conduct of counsel, as I have stated, in failing to cross-examine—in refusing to cross-examine—these twenty young ladies we brought here, refutes effectively and absolutely the claim of this defendant that he has a good character.”

“If this man had had a good character, no power on earth could have kept him and his counsel from asking these young ladies where they got their information and why it was that they said that this defendant was a man of bad character.”

DARED NOT CROSS-EXAMINE.

“That’s common sense: You know it, whether it’s in a law book or not. I have shown that they had a right to cross-examine.”

“And they dared not do it!”

“Let us see the law. I have an authority from the 83d Georgia, which says, ‘Whenever anyone has evidence in his possession and fails to produces it, the strongest presumption arises that it would be hurtful; and his failure to produce it is considered as a circumstance against him.’”

“But you don’t need law books. Your common sense tells you that. You know, as twelve honest men seeking the truth, that if these ‘hair-brained fanatics,’ as Mr. Arnold called them before he ever saw them; girls of as good parentage as any they produced here: girls unimpeachable and unimpeached—were not cross-examined. It was because counsel for this defendant did not dare to cross-examine them!”

“You tell me that because these good people from Washington street think that he had a good character, that his character is good?”

“Many a man has gone through left without his wife or his best friend knowing his true character. There is an old saying that it takes a man’s valet to know his real self; and that is largely true.”

"I believe these poor, unprotected working girls who are not now under the influence of the Montags and the National Pencil company, who say that his is a bad character, know Leo M. Frank better than do the rabbi of his church and than do his friends."

"WOLF IN SHEEP'S CLOTHING."

"Sometimes a map of bad character uses charitable and religious organizations to mask and cover up his real self. And sometimes conscience will make him over-active to cover up and to mislead. Many a man is a wolf in sheep's clothing. Many a man has walked in high society, and appear-

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ed without as a whited sepulcher, while he was rotten to the core within.

"This defendant has not a good character, I submit. He has a good reputation among the people who do not know his real character."

"But suppose he had a good character. That amounts to nothing. David of old was a great character until he put old Uriah into the forefront of a great battle, so he would be killed and David could take his wife. Benedict Arnold was brave. He enjoyed the confidence of all the people and those in charge of the Revolutionary war, until he betrayed his country. Oscar Wilde, an Irish knight, a literary man, brilliant, the author of works that will go down through the ages, a man who had the effrontery when the Marquis of Queensbury thought there was something wrong between Wilde and the son of the greatest cross-examinations on

record-Oscar Wilde, that man, bore a good reputation until he was proven guilty."

"Wherever the English language is read, the coolness of that man who underwent the cross-examination of those able lawyers will remain forever a study for lawyers. Not even Oscar Wilde's wife nor his children knew of his perversion. And it never would have been discovered had not one man had the boldness to start an investigation that eventually sent him to prison. He was a literary man, whose cross-examination is a thing to be read with admiration. But he was convicted, and in his tottering old age he confessed. He is the man who raised the sunflower from the frank of weed to that of flower. But he was a pervert—and a man of previous good character."

"Abe Ruef, of San Francisco, a man of his religion," pointing to Frank, "was of previous good character, but he corrupted Smith and everything that he came in touch with. Ruel's career terminated in the penitentiary eventually."

"Good character isn't worth a cent, gentlemen, if you've got a case proved!"

CRIME NOT CONFINED TO POOR.

"And crime doesn't go only with the poor. The ignorant, like Jim Conley, commit small crimes. But a man of high intellect sometimes commits a big one—an intellect which, if directed in the right line, would bring honor and glory, but which if not so directed drags a man down to the depths—as in the case of this defendant before you."

“Look at McCue, the mayor of Charlottesville, Va. Notwithstanding his good reputation, he did not have a rock bed of character. Tiring of this wife, he shot her in the back as she was in the bathtub, and a jury of brave Virginians sent him to a felon’s grave. He had the respect of the people.”

“Richeson, of Boston, was a preacher and enjoyed the confidence of his flock. He was engaged to marry a fascinating young woman of Boston. But he was entangled with another young woman, of whom he wanted to rid himself. And he forgot himself so far as to murder.”

“All these cases were decided on circumstantial evidence. After Richeson had fought through the courts, he hoped that a governor would save his life. But a Massachusetts jury and a Massachusetts governor were brave enough to make him pay the lawful penalty for his crime. That’s an example to encourage every right-thinking man.”

THE BEATTIE CASE.

“Henry Clay Beattie, a man of splendid family, a man of wealthy family, proved his character—although he didn’t possess it. He took his wife, the mother of a twelve-months-old baby, out for an automobile ride and shot her in cold blood. Yet that man, looking at the blood in the automobile, joked. He was cool and calm, but he joked too much. The detectives in that case, as in this case, were maligned and abused. There was a slush fund to save him from the gallows. But a jury of Virginia farmers sent him to his doom, and put the citizenry of that great commonwealth on a higher plane. Beattle never confessed,

but left a note to be read after he was dead, in which he admitted the crime charged against him."

“Then there was Crippen, of England. He was a doctor, a man of high standing, a man of unblemished reputation. He killed his wife because of an infatuation. He killed his wife because of an infatuation for another woman. He hid her body away where he thought, as this man thought,” pointing to Frank, “that it would never be discovered. But murder will out. The body was discovered. And Crippen was executed, to the story of old England!”

“Gentlemen, you have an opportunity that comes to few men. Measure up to it!”

DEFINES AN ALIBI.

“But they say they’ve got an alibi. Now let’s examine that preposition.” Solicitor Dorsey read from the Georgia code the definition of an alibi, as follows: “An alibi, as a defense, involves the impossibility of the prisoner’s presence at the scene of the offense at the time when the offense was committed, and the range of evidence must be such as reasonably to exclude that possibility. The burden of carrying that alibi is on the defendant.”

Resuming after a pause for this definition to get firmly fixed in the jurors’ minds, the solicitor said:

“They must show you that it was an impossibility for this man to have been at the scene of the murder. The burden is on them. Get that fixed in your minds, gentlemen.”

“While an alibi is the best kind of defense if properly sustained, it is absolutely worthless if there is any question

of it. Now I’m going to show you in a minute that this alibi they have tried to prove is worse than no defense at all.”

“Right here I want to read you the definition of an alibi as given by an old darky.”

“Rastus said, ‘What’s this here alibi I hear so much about?’ Jim answered, ‘An alibi is proving that you was at the prayer meetin’, where you wasn’t, to show you was not at the crap game, where you was.’

ATTACKS TIME CHART.

“Now, let’s consider this table, a minute,” pointing to the time chart introduced by the defense. “I want that table turned around for just a minute, and then I want it turned back to the wall and I want it to stay.”

Pointing to the chart Solicitor Dorsey read: “‘ One p. m. Frank leaves factory.’”

“That’s mighty nice—on the chart.”

“Now turn the chart back to the wall, Mr. Sheriff, and let it stay there.”

“That is not sustained by the evidence.”

“It is not even sustained by the defendant himself, because at first he did not appreciate the value of it. In his statement made at police headquarters on Monday, April 28, taken down by G. C. Febuary, he said, ‘I didn’t lock the door that morning because I knew the mail was coming. I locked it when I left the factory at 1:10 o’clock.”

“Up goes your alibi!”

“Punctured by your own statement, made when you didn’t appreciate the importance of the time element in your defense!”

“Yet these honorable gentlemen, in order to make an indelible impression your minds, got up this chart.”

“If Frank swore on the stand that it was 1 o’clock when he left the factory, it was because he saw the importance of leaving the factory ten minutes earlier than he really did.”

“On April 28, before he had a chance to talk with his lawyer, he told the police that he left the factory at 10 minutes after 1 o’clock.”

“Now there’s one fact I want to call your attention to. It is that Frank has never made a single admission in this whole case,, except where he knew that the facts could be fastened on him by other witnesses.”

“They tried to prove by Miss Curran that she saw Frank at the corner of Alabama and Whitehall streets at 1:10 o’clock. Yet here is his own statement made in the presence of his attorney, saying that he left the factory at 10 minutes after 1.”

“A SAD SPECTACLE.”

“Talk about your sad spectacles! The saddest I have witnessed in this whole case—and I hope I’ll never know the real facts connected with it—is the spectacle of bringing this young girl, whose father words for Sig Montag, before this jury and this presence to protect that red-handed murderer who choked the life out of Mary Phagan.”

“His honor will charge you that you have a right to take into consideration the manner, general actions and credibility of any witness. Can you honest man who saw that little girl here say that he believes her, if he takes into consideration her bearing, manner, connections, and if he knows that she with the little Bauer boy had been riding around in the Montag automobile?”

“If Frank locked the factory door at 1:10, as he said he did, how did she see him at Alabama and Whitehall street at the same time? How did this little girl see him, when she admits that only once before had she laid eyes on him? Do you tell me that honest men are going to believe the unreasonable and absurd story of this little daughter of a Montag employee? Are honest men going to believe this statement of Frank contradicted by Frank himself?”

QUOTES DANIEL WEBSTER.

“I want to read you something on this time proposition, something that made a wonderful impression on me when I read it. It is from the speech of a wonderful man, a lawyer to whom such men as Rosser and Arnold, as good as the country affords, would have pulled off their hate and stood in admiration.”

“I refer to Daniel Webster and quote from his speech in the famous Knapp case: ‘Time is identical. Its subdivisions are all alike. But days and hours are not visible to the sense and are not to be apprehended by the understanding. He who speaks of the day and of the hour of occurrences, with noting to guide his mind, speaks at random.’”

“That is better than I would put it. It is tense and logical.”

“What else about this alibi, this time chart?”

“As old Sig Montag warned me not to do him, this time table has been twisted and even I might say contorted in order to sustain this man. For instance, according to Holloway, Alonzo Mann, and Irby, Frank arrived at 8:25, Frank says at 8:20. Old Jim Conley, perjured, lousy and dirty as they say he is, says that Frank arrived at 8:20 o’clock, carrying a raincoat.”

“They tried to make it appear that he didn’t have a raincoat, and that was the reason he borrowed one on Sunday. But Mrs. Ursenbach said that he did have a raincoat of his own, and I venture to say that the reason he had to borrow one Sunday was that he forgot the raincoat Jim Conley saw him carry.”

“Miss Mattie Smith says that she left at 9:20. Frank says at 9:15. You have it on this chart that Frank had the Schiff residence ’phoned at 10 o’clock. Yet Frank, with his great capacity for figures, for data, says that he got to Montag’s then.”

“IF I AM WRONG STOP ME.”

Turning to the attorneys for the defense: “If I am wrong, stop me. Get your record. Trot it out.”

“At 11 o’clock, according to that chart, Frank returns to the factory. Frank, in his statement, says 11:05. Any way, O Lord! They move the time up and they move it down, and exclaim, ‘We’ve got to have an alibi.’”

“At 12:12 Mary arrived, according to the chart. Frank says that she arrived ten or fifteen minutes after Miss Hall had left, and with mathematical accuracy they have Miss Hall leaving at 12:02. I never saw before, and neither have you, so many people who seem to have their whole minds centered on a time clock. If people were always as accurate as they would make it appear they are in this case what a glorious world this would be. No person and no train would be behind time.”

“But to crown it all this chart which has been turned to the wall to serve your purpose, has Lemmie Quinn arriving not to the second, but between 12:20 and 12:22. But by the evidence of two young ladies, Mrs. Freeman and Miss Hall, he is placed there at the factory before 12.”

Mr. Arnold interrupted, objecting. The statement was not borne out by the evidence, said he. Quinn did not see the young women named until 12:30, he said. Mr. Dorsey answered him, the answer being inaudible to the entire courtroom, but being to the effect that he was arguing from the records. Judge Roan asked that the record be looked up. Mr. Dorsey proceeded.”

QUINN THERE BEFORE 12.

“I make this statement,” continued Mr. Dorsey, “that Quinn was there before 12. These two ladies say that they left at 11:45, and in a few minutes Quinn was talking to them in the café—Quinn, who has been blowing hot and cold. Jim Conley, whom you of the defense call ‘Bar,’ says Quinn was there before Mary Phagan came in. Frank had a hard time recollecting that Quinn ever was there at all. And after Quinn had made him remember, Frank had to wait to

see his attorney before he would make it public. And now, Quinn is too accurate."

"Emma Freeman and Corinthia Hall say that they met old Holloway as he went away, and that they went to the Busy Bee and in a few minutes Quinn came in. Jim Conley say that Quinn went up the steps and came down the steps before Mary Phagan. And if that be true why was it Frank wanted to consult his lawyer before he let it be known."

"Quinn is the hardest man to pin down I've ever known, but we have him here in this affidavit."

"That man Quinn was the most anxious on the stand—Except old Holloway. He would tell if Frank said to, or he would keep it quiet if the lawyers said to."

"Let me read you what a great said: Judge Lochrane said: 'I do not take the mere words of witnesses. I take their actions. Evidence given by a witness which contradicts other evidence which the jury cannot disregard, indicates perjury. But a jury must not impute perjury if it is possible not to do so."

At this point Attorney Arnold interrupted: "I've found that Quinn testimony."

MR. ARNOLD INTERRUPTS.

Mr. Dorsey paused and turned around and said: "Oh. I'll admit he swore both ways."

Attorney Arnold: "He did not swear both ways." Mr. Arnold read the evidence by Miss Corinthia Hall regarding the meeting with Lemmie Quinn in the Busy bee café. "Now, I'll read the statement of Lemmie Quinn if you want me to."

Judge Roan: “Do you want it read, Mr. Dorsey?”

“No, I’m going to disprove it by their own table,” said Mr. Dorsey.

Attorney Arnold: “All right, I hate to interrupt my brother. But I’m going to do it every time he makes a mistake on an important point. I’ve let the little things go by, and I’m going to continue to.”

“Yes, you’re going to let the little things go by,” exclaimed Mr. Dorsey, with sarcasm. “You are going to interrupt me every time you have an excuse, and you know it. I want you to interrupt me. You’re too able a lawyer not to.”

“In my hand, gentlemen of the jury. I hold an affidavit made by this pet foreman of the metal department, in which he says he got up there to see Frank between 12 and 12:20 o’clock.”

“THIS CHART A FARCE.”

“This chart is a farce. It puts Lemmie Quinn there at 12:20 to 12:22. There is no bigger farce in this case than this table—except Dr. Bill Owen’s little pantomime over at the factory.”

The solicitor read excerpts from Quinn’s affidavit, in which Quinn swore he got there between 12 and 12:20. In that affidavit Quinn said he wouldn’t undertake to be accurate as to the time, and he wouldn’t swear to any exact minute.

“If he got to that poolroom at 12:20,” continued Mr. Dorsey, “as he said the did, how could he go to the pencil factory between 12:00 and 12:22. Whenever a man gets to

swearing too definitely and too specifically as to time, in the language of Webster, which at random."

"Now, let's pass on to the perjury charge which Mr. Arnold made so flippantly."

"'You say these witnesses. You saw their manner, their attitude, their interest. One of these ladies wanted to die for this man Frank. She was almost hysterical. When did you ever hear of an employee being so enamored of her employer—if that friendship was purely platonic? I know enough about human nature to know that the willingness to die was born of something more than that. Whenever you see a woman willing to lie down and die, willing to put her neck in the noose, where that man's ought to be, you may gamble on it that she is actuated by something stronger than purely platonic love. It must be a passion born of something beyond the relations that should have existed between this married man and his employees.'"

LITTLE BAUER BOY.

"Take that little Bauer boy who, before he had that automobile ride with Sig Montag to the office of Mr. Arnold, where awaited also Mr. Rosser, could remember minute details, and after he looked into the countenance of these counsel had a lapse of memory. Old man Sig Montag must have been like that hardshell preacher in south Georgia who prayed for rain at the solicitation of his flock. The old preacher prayed, 'Send us a trash mover and gully washer.' And his prayers were answered. There came a flood. After the devastation was complete he said, 'Brethren, I think we overdone it a little.' So I think old Sig

Montag must have whispered into this boy's ears. 'You've overdone the thing a little.'"

"And he had, too."

"After dinner he didn't show anything. You remember, gentlemen, that boy remembered exactly where his watch lay on the dresser last January? An honest jury knows that that isn't true."

"And that isn't all, gentlemen. They brought in that machinist, Lee. He was prepared to swear anything. There is not a man within the sound of his voice but knew he didn't tell the truth. He said he saw Schiff hold a paper in his hand that he had signed. We served Schiff with a subpoena duces tecum, directing him to bring it into court. And Schiff brought in a paper that hasn't even got Lee's name typewritten on it."

"That's the kind of stuff they brought in all along. That's what they expect you to believe. They didn't think we could get this man Duffy to refute it. They thought they could make you believe that he stood and bled right over this spot in front of the dressing room."

"Talk about 'fatiguing your indignation,' gentlemen! Doesn't this make you sick?"

"Let's go a step further."

" I tell you I never have seen a case where women were suborned as they have been in this case."

"Take Miss Fleming, the stenographer. They put her up on the stand, and when we put her on an unexpected line she was at sea. She swore his character was unusually good. We asked her if she knew from her own experience,

and she said ‘Oh, know, just generally. Just what they say about him.’ She was particular to get that word ‘generally’ in there. We asked her if she had ever seen girls flirting from the dressing room window. She said she hadn’t heard of it. We asked her if she ever had seen any orders posted up against it. And she said she hadn’t.”

MARY PHAGAN “CALLED HIM.”

“We don’t pretend to say that this man ravished and abused every woman in that factory. He knew whom to approach—until he approached Mary Phagan! Then he was called! These women all testify to what they saw, and it doesn’t amount to a straw.”

Solicitor Dorsey read a few questions and answers from the testimony of Miss Fleming with regard to flirting.

“This stenographer, like the rest of the women witnesses, knows only what she saw and what happened in her presence.”

Reading again from the testimony of Miss Fleming, the stenographer, the solicitor showed where under repeated cross-examination she swore positively that Frank always made out the finance sheet before 12 or 1 o’clock.

Then he showed where Attorney Arnold interpolated the remark that Frank didn’t have time to do it in the morning.

CAUGHT IT LIKE A JUNE BUG.

“She caught at that like a June bug,” said the solicitor. “In a flash she changed front and said ‘No, he didn’t have time to do it it in the morning.’ Mr. Arnold was so nervous that he couldn’t let me finish my cross-examination. So he

interpolated his remark to suggest to the witness what he wanted her to swear. I submit, gentlemen, that was an unfair thing to do."

"Then I came back at her, and she swore almost in the next breath that she hadn't said he made out the sheet in the morning. My Lord, gentlemen! Are you going to stand for things like that?"

"I hesitate to hint at false swearing, for this witness was a woman. But I ask you, gentlemen, are you going to let an innocent little girl be murdered for the sake of her virtue, and then let the murderer go on such testimony as this? If you are, we might as well stop the farce of summoning juries. If I just had the ability of the two able counsel for the defendant, in order that I might impress this upon you, in order that I might ring it into your ears, you'd write a verdict of guilty before you left the jury box!"

"Talk about perjury! Why didn't they take Newt Lee or Gantt and try to fasten this crime on one of them? Because they had only cobwebs against them, weak and flimsy circumstances that could not possibly be consistent with a theory of their guilt."

"As to this defendant, the circumstances are so strong that even the erudite Arnold and the dynamic Rosser, as the newspapers have called them, cannot break the circumstances down. And I have shown you, gentlemen, that the law says circumstantial evidence is as strong as direct evidence."

RECORD IN BLACK AND WHITE.

“You,” turning to Attorney Arnold, “stood here and in glittering generalities talked about perjury. Unless you put your finger on the specific testimony all your talk wasn’t worth a cent. Here, in black and white, is the record of where your witness changed almost in a moment and contradicted her own sworn testimony.”

“So, gentlemen of the jury. I submit that Frank fixed that financial sheet Saturday morning.”

“But if he didn’t, that doesn’t prove anything. He may have the nerve of an Oscar Wilde. He may have been cool and calm there in the factory with nobody to accuse him. But do you tell me that when the factory closed at noon on Saturday this man, with his charming wife, with the baseball game, with his college education, with his love of playing cards, would stay there during the afternoon in that factory when he could do the work on Saturday morning?”

“No, gentlemen of the jury, Miss Fleming, his stenographer, was telling the truth until Mr. Arnold prompted her.”

At this point the jury retired for eight minutes.

When they came back Solicitor Dorsey said:

WAS THINKING OF AN ALIBI.

“Now give me that letter and that telegraph. I want to talk a little about them. As I said, gentlemen, I submit that this man made the financial sheet on Saturday morning, and I’m not going to fatigue you by arguing my reasons any further because I don’t think it’s necessary. But if he

did make it out Saturday afternoon, he did it because he was thinking of an alibi."

"Don't tell me he didn't make it out Saturday afternoon because his penmanship betrays no nervousness! If he could go home to the bottom of his family, and so deport himself as not to betray his guilt of an atrocious crime, then he certainly could make out the financial sheet there by himself in the factory without betraying a sign of nervousness. Even in the presence of the police he wrote without nervousness. Talk about perjury! Why here's a sample of his handwriting that his mother says anybody would recognize as his. And yet another one of their witnesses, because he was afraid that he might hurt Frank's case, wouldn't be positive about this specimen in his identification."

"I'll grant you he wrote the sheet without nervousness, whether in the morning or the afternoon. I'll grant you he deported himself at home without nervousness. I'll grant you he opened the safe at the office without nervousness. But when he tried to start the elevator, when he rode to the police station on Darley's knee, when he talked to the police, then he gave himself away."

"His frivolity during the card game was the same kind of frivolity that Beattie showed in front of the automobile when he pointed to the blood of the wife he had murdered. Certain it was that his frivolity was rather overdrawn, because the numerous story he found in the newspapers and insisted on reading to the family while they played cards resulted only in annoyance."

LETTER TO UNCLE.

Picking up the letter written by Frank to his uncle on Saturday, April 26, Solicitor Dorsey said:

“But whether he wrote the sheet on Saturday afternoon or not, there’s one thing he did while waiting there in the factory for old Jim to come back and help him burn that body. Look how this letter was folded. No wealthy people in Brooklyn, eh? It looks like this old rich uncle was mighty near Brooklyn at the time Jim says Frank spoke of having wealthy relatives there. Here is a sentence pregnant with significance. It bears the earmarks of guilty conscience. Here is a sentence which, if I know human nature, showed that Frank was his own accuser, while he sat there in the office, with the body of Mary Phagan, who died for virtue’s sake, lying in the dark recesses of the basement below.”

“‘It has been too short a time for anything startling to have developed down here,’” read the solicitor from Frank’s letter.

“‘Two short a time for anything startling to have developed down here,’” read the solicitor from Frank’s letter.

“‘Too short a time,’” he repeated. “Gentlemen, don’t you see the dastardly deed was done in an incredibly short time? Tell me that you honest men don’t recognize that as the sign of a guilty conscience?”

“What do you think of that, honest men?”

SOMETHING HAD HAPPENED.

“Then listen to this, which he writes as if his millionaire uncle, travelling in Germany for his health, cared anything

about it. An eminent authority says that unusual and extravagant expressions are the earmarks of fraud. Tell me what the man who wanted the price list and the financial sheet cared about ‘these old heroes in gray?’”

“Frank wrote: ‘And the thin gray line of veterans, smaller each year, marched to do honor to their fallen comrades.’ This—from Leo M. Frank, the statistician to the old millionaire in Brooklyn, who cared little for the veterans but much for the dividends. And Frank says: ‘It has been to short a time for anything startling to have happened, and there’s nothing new at the factory.’ But I tell you there was time, and something startling had happened. It had happened in the factory, and it had happened in the space of thirty minutes! There was something new, and the time hadn’t been too short!”

“Do you tell me that this letter was written in the morning? The letter shows on its face that something had happened. I tell you that uncle didn’t care about the thin gray line. And his people lived in Brooklyn—that is one thing that is dead sure and certain. And old Jim wouldn’t have known it if Frank hadn’t told him. At least they had $20,000 in cold hard cash. And the brother-in-law was employing at least three people. The rich old uncle was practically in Brooklyn at the moment.”

PAYS TRIBUTE TO DETECTIVES.

“Let us go a step further.”

“April 28 he wired to Adolf Montag in New York and said, ‘You may have read in the Atlanta papers of girl found dead in cellar of factory Sunday, ‘You may have read in the

Atlanta papers of girl found dead in cellar of factory Sunday,' that's where he expected her to be found. He was forestalling what he knew would come unless the Atlanta detectives were corrupt and would protect him like Jim Conley had been doing. But be it said, with honor to you Starnes, and you, Campbell, and you, Rosser, and you, Black, you had the high courage to do your duty and put the crime up to this man, surrounded by wealth and influence."

"Listen to what Frank said about these men, who now are accused by his attorneys of that most horrible of all crimes subornation or perjury. Listen to what Frank said when he was trying to put a rope around the neck of Newt Lee, around the neck of Gantt:"

"'You may have read in the Atlanta papers of girl found dead in cellar of factory Sunday. Police will eventually solve it.' And be it said to their credit they did solve it. 'I am all right. Our company has case well, in hand.'"

"Maybe he did think when he got that fellow Scott, that his company had it well in hand. But there, in Scott is an honest man, if there was a slut fund raised, and his witnesses deny it, he could have gotten."

"Frank never heard better words than these: 'We work hand in hand with the police.' It sounded good to Frank, and he said: 'All right'—for he wanted to know what the police knew and what they were thinking. And later Haas—and he is nobody's fool–knew that they were hot on the trail and he opened a conversation with Scott in this wise: 'You let us have first what you get.' If Scott had followed that system, there would have been something else here."

“I tell you, despite what Jodarter Schiff swore when it was put up to him, that this man Frank fixed the financial sheet Saturday morning—I say to you that what Gantt says about time is true. This Joel Hunter is not nearly as smart a man as Frank, and even if he had had Frank’s capacity for the work, he didn’t have his experience.”

“Frank is smart—as any one of his lawyers, and I tell you I believe he wrote his statement himself, although probably they read it over. He knew that the talk about the length of time was weakening, and he sought in his statement to put a lot of other stuff—which even Schiff, bold as he was, would not stultify himself to swear about—which he now says he performed.”

“But if he did write the financial sheet in the afternoon (and I don’t admit that he did, although I grant that he wrote the letter then), I ask you, disinterested jurors seeking to do justice to mete out to him what he meted out to this little girl when she tried to protect her virtue; because if he did write the sheet in the afternoon, it was the work of a guilty conscience preparing an alibi.”

PERJURY CHARGED.

“You say there’s perjury in the case? Well, I’ll tell you where some of it is. I’ll tell you where some of it is. I’ll tell you another case of perjury. There was perjury when that man, put on the stand to identify Frank’s handwriting declared that he couldn’t recognize the note which Frank’s own mother swore was in his unmistakable hand. There was perjury when Roy Bauer swore that he remembered so much about Saturday afternoons. There was perjury when

Lee swore that he saw Duffy hold his hand near the dressing room and let the blood spurt."

"Here is the evidence by Mrs. Carson, who said she worked at the factory three years. Arnold, in his suave manner, said 'I am going to ask you a question which I would hesitate to ask a younger woman. Did you ever see blood spots around the dressing room?' 'Yes, I did, three or four times.' And she showed the diameter of the spots she claimed she saw. But this Mrs. Carson your own witness, swore that on Tuesday, between 9 and 11, she saw Frank on the fourth floor; and sometime between 9 and 11:30 she saw Jim Conley. She admitted that they were there about the same time. And Jim Conley told you he was there that morning that Frank, leaning over him, said: 'Jim, be a good boy,' and Jim, remembering the money and the influence of Frank, said, 'Yes, sir, I is.'"

"'Did you see the blood?' I asked Mrs. Carson, 'What blood?' was the answer. 'By the dressing room,' I said. 'What dressing room. What blood are you talking about?' she asked me. And she said she didn't remember seeing that spot."

"'You never saw it at all?' 'No, I didn't dare to look at anything like that.' That's what Mrs. Carson, the mother of Rebecca, told you under oath. I'm not getting here and speaking generally of perjury without naming specific instances."

"'Here's Mrs. Small, who talks about Conley a lot. Here's a point. If Jim had committed crime, and didn't have the strength of Frank to back him up, he'd never have

come back to that pencil factory on Monday. You know it if you know anything about the negro."

"And here's another thing. You don't know whether they put up every girl that works on that fourth floor. They didn't do it. They had the books to show you, and they didn't bring them in. They put up a lot to say Frank's character was good, and then we brought in some to say his character was bad. We got one from the fourth floor to corroborate Miss Jackson when she said that Frank had gone into the woman's dressing room."

"Now Mrs. Small is the woman that got the raise. She didn't remember exactly when she got it. She said it was about four months ago. There were a lot of raises about that time, and they were not all in the pencil factory. Minola McKnight got one. Mrs. Small also corroborates Conley. She saw Frank up on the fourth floor Tuesday, and saw him up there Monday just when Conley says he was there. She says too it was between 8 and 9 o'clock."

"Frank, over there, would sit in this courtroom and see a jury put a rope around Jim Conley's neck to save his own. Jim said that the first question Frank asked him, when he called him up the stairs that day, was 'Have you seen anybody come up?' And Conley said. 'Yes, sir. I saw two girls go up, but just one came down.' And then it was that Frank saw he had to take Conley into his confidence. He wouldn't have done it if he hadn't had to."

ASKED CONLEY TO PROTECT HIM.

Turning to face the defendant. Mr. Dorsey pointed his finger at him and said, "And you told Jim to protect you and Jim tried to, and the suggestion was dirty, and it is

infamous to see James Conley hung for a crime that Leo M. Frank committed."

"But I am coming to that later. I haven't tackled the state's case yet. I'm just cutting out the underbrush that these gentlemen have built gigantic hopes on. Somehow, through his standing, the police were intimidated and were afraid to arrest this man Frank—red-handed murderer that he is. That is the only thing I've got to say against them."

"I'll tell you, Mr. Rosser didn't get such a triumph out of old John Black as he would have you think. Gentlemen, if John Black had had the chance to go after Leo Frank like Rosser had here to go after Black, this long trial might not have been necessary."

Facing the defendant again, the solicitor said: "You called for Haas, and Darley, and Rosser, and it took them all to keep your nerve."

SHOWN TOO MUCH CONSIDERATION.

"The only thing in the world that I have got to say against the police department of Atlanta," facing the jury, "was that they treated this man who snuffed out the life of little Mary Phagan, with too much consideration. Regrettable it is, but they were awed by his surroundings of glamor and gold."

"Gentlemen, I admire the way they went after Minola McKnight. Do you think that the finding of a murderer is a thing for a tea party? Do you think it is a job for a dancing master?"

"John Stares and Campbell knew, and you know, that Albert McKnight would never have told Crave this tale

except it had been true. You've seen a dog when it gets the scent, drive a possum to its hole, and stay there till animal comes out. If you had been John Starnes or Pat Campbell, you would have gone after Minola McKnight, and you would have stayed there till you smoked out the truth. If Mr. Haas had come to me Monday morning and said, 'Turn this man loose. He is innocent.' I would have said, 'It is none of my business.' I would have said, 'Go to the police.'"

"And when the police take a negro woman and put her in a cell, I'm not going to usurp the authority of any judge when he can let her out on habeas corpus. I'm not running the police department. I'm solicitor general for the term the people have elected me to. And I am going to do as my conscience dictates. I'm go my grave and know I did right. I admire old Charley Hill. I am proud to be his successor. I have wished a thousand times that he were here to make speech I am making. God rest his soul!"

"And there's another thing I'm proud of. I'm proud that I stood in hand with the detectives in running to earth the murderer of Mary Phagan. If you don't want me to stand up here and do my utmost to convict Leo M. Frank, you can get somebody else to fill the job. And the quicker you do it the better. But I'll not pattern my acts after those of anybody, be he ever so great. 'If that be treason, make the most of it.'"

DOESN'T FRIGHTEN HIM.

"Such talk as that doesn't frighten me!"

“Now let’s discuss this thing of perjury. Let’s not get up here and say that everybody is a liar. Let’s knuckle down and get specific instances.”

The solicitor read more of Mrs. Small’s testimony. He read, “He (meaning Frank) and Miss Rebecca Carson were coming up from the back of the factory.”

“So Frank was up there Tuesday morning.”

“‘How far did Mrs. Carson go toward the elevator with Frank?’ ‘Oh, she wasn’t up there. It was Miss Carson.’” The solicitor read further in Mrs. Small’s testimony where she said Conley was standing near the elevator when she saw Frank. “And Jim has lied about everything. Yet he was standing at the elevator, not working, but with his hands on a truck when Frank came up to him.”

“Mrs. Carson already had sworn that she didn’t go down to see that blood in the metal room—that blood that was ‘paint;’ that blood that was ‘stale;’ that blood that was the blood of a cat.” The solicitor read several questions and answers in which Mrs. Small said, contradictorily to Mrs. Carson’s story, that she (Mrs. Small) had gone with Mrs. Carson to the metal room on the second floor to look at the blood spots.

SOMEBODY A PERJURER.

“Now I want to discuss briefly these letters found by the body of the girl. If they had not been ordered by an all-ruling Providence, I would call them silly. The pads on which these notes are written are found usually in Frank’s office. By attempting with these notes to fasten the crime on another. Frank has fixed it indelibly upon himself.”

“Do you tell me that a negro ever lived who after robbing, ravishing, and murdering that girl, would have taken the time to write these notes?”

“Do you tell me that a negro, sober as Tillander and Graham told you he was, would have robbed and murdered with Frank upstairs in his office?”

“I tell you no! And you know it!”

“Do you tell me that a negro, drunk as they claim he was, would have written these notes after committing such a crime?”

“I tell you no! And you know it!”

“They say it would have been foolish; and that we admit. It was foolish. But murder will out. Every crime, as Judge Bleckley tells us. Is itself a big mistake. There is no logic in the argument that having committed a crime, which is a big mistake, a man will not in order to cover up the crime make a little mistake. By these notes purporting to have been written by Mary Phagan, this defendant has fastened the crime on himself.”

“The able counsel for the defendant saw the significance between Scott’s testimony at the coroner’s inquest, where he swore that Frank said he told the little girl the metal had not come, and Scott’s testimony here when he said after mature reflection Frank told him he told her he didn’t know. If Frank had told her the metal had not come, she would have had no excuse to tarry in the factory at all. When he told her that he didn’t know, it was a lure to get her back into that metal room, where he followed her and snuffed out her life.”

“TELL-TALE WORDS.”

“I’ll tell you another thing. When the detectives and I were talking to Jim Conley, in an effort to get him to tell the truth, the whole truth, and nothing but the truth there was no way in the world for us to know that Frank would use his little tell-tale word ‘chat’ four times in making his statement to the jury.”

“You notice that in the note the words are ‘did it.’ You notice that every time the negro had occasion to speak of having done something, he said ‘I done it.’ A negro in writing those notes never would have said ‘that negro did it by himself.’ Frank wanted the notes to say that the crime was done alone by one man. Somehow, Mr. Arnold, shrewd as he is, did not realize the force the word ‘chat,’ as used four time in Frank’s statement before he stopped a moment to refresh himself.”

“Do you tell me that Jim Conley, after robbing and ravishing the girl at the foot of the stairs, would have cared whether the body lay there or whether it was in the basement? Why should he have stopped? If he had gotten that far without being caught, don’t you know he would have darted out the front door only a few feet away and made his escape? No, gentlemen, that body was removed to the basement from the second floor because Frank knew and felt the necessity for it to be concealed.”

“The difference between ‘did it’ and ‘done it.’ This little difference between education and ignorance. Is the thing that stamps the notes with the unmistakable mark of your diction,” turning to Frank, “when you had Jim Conley

prepare them in order, as you thought, to fasten the crime on someone else."

"In dictating those notes you didn't want to have her say that she went back to the metal room, so you made her say she went back there, for a natural reason. If Jim Conely had written the notes after killing the girl himself, why would he have said that she went back there for a natural reason when there was no place on the first place for her to go for that purpose. Gentlemen, do you tell me this little thing which crept into these notes is not providential? Do you tell me that its significance can be overlooked?"

"You saw these notes at the station house," turning to Frank. "You knew or you must have known that they were written in Jim Conley's handwriting. And yet you didn't say a word, because you had directed Jim to keep his mouth shut. Do you tell me, gentlemen of the jury, if he had been innocent, he wouldn't immediately have seen the resemblance to Conley's handwriting and have called the attention of the police to that resemblance? Gentlemen, such a theory is not reasonable. Things don't happen that way."

"Look at these notes carefully, gentlemen, as you will have them with you when you retire. If you can get anything out of them except the significance that I have indicated, then make up your verdict accordingly. If you don't believe this man guilty beyond a reasonable doubt, then don't convict him. But don't let your doubt be the doubt of an oversensitive conscience or a doubt such as one might conjure us for the sake of a friend."

FRANK’S STATEMENT.

“Now they say this statement made by Frank on the stand should carry him through. Let’s look at that statement. His lawyers harped on the question oft repeated, ‘Are you going to convict him on this and that circumstance?” And each time they said that they brought up separately by itself some isolated fact in the case.”

“I have already read to you the law which says that circumstantial evidence is not inferior to positive evidence. I have read you the law which says that to compare circumstantial evidence – to chain, no stronger than its weakest link, is incorrect; and that the correct illustration is to compare it to a rope, whose single strands are not strong themselves, but which when all woven together make a cable strong enough to hang a man from the gallows.”

ISOLATED INSTANCES.

“They would take an isolated instance and ask, ‘Are you going to convict this man on this little, innocent circumstance?’ I’ll answer that question myself. And my answer is ‘No, you should not, and I know you will not.’ But I say that all of those circumstances when taken together make a cable so strong that you should hang this man.”

“Now, let’s analyze this statement made by this defendant on the witness stand. I don’t know whether this statement will rank with the cross-examination of Oscar Wilde, that celebrated pervert, or not. But analyzed I do know, and I do admit, that it was a brilliant statement.”

“‘Evidence given by a witness has inherent, strength. But a statement has none,’” read the solicitor. “This man Frank says, ‘I sat in my office checking out money left over from the payroll. Not the cash, you understand. But how much there was left over from that $ 100 we don’t know until this good day. But we believe the amount Jim Conley says he saw was left over; the amount Jim says he saw when they were talking about burning the body. Gentlemen, just as sure as Conley had gone down to burn that body, and the smoke had started rising from the chimney, Frank would have appeared in the basement with these same detectives with these same detectives who are sitting here; and Jim would have had no defense.’”

“But Jim, ignorant or smart, drunk or sober, had too much sense to do that job and cremate the remains of this poor little girl put to death because she tried to protect her honor from your passionate lust,” pointing at the defendant. “Just as surely as Judas implanted the kiss for thirty shekels, you tried to bring this crime home to Jim by offering him what was left of the payroll, to burn the body.”

SAYS FRANK DID PLOT.

“These attorneys have laughed at the plot mentioned by Mr. Hooper, but I will tell you that a plot did exist in this man’s mind. This man had been expecting, not to murder, but to get this girl to yield to his blandishments and to devour her without conscience. As far back as March little Willie Turner, an honest country boy from the Oak Grove district, saw him trying to force his attentions on her, and little Willie Turner is unimpeached and unimpeachable. He

says he heard Frank say ‘I’m the superintendent and you must talk to me.’”

“‘That gentlemen, is a species of coercion, you must admit. Tell me that you,” pointing to Frank, “had passed this beautiful child day by day and did not know her? Tell me that fifty-two times in a year you helped Schiff make up the payroll and didn’t know her name? Tell me that Turner was lying? Tell me that little Dewey Hewell, even though she may have lost her virtue, was lying? Tell me that Gantt, whom Frank was so anxious to have arrested and whom Schiff wanted arrested so badly that he led the detectives to him, was lying when he said that Frank said to him ‘You seem mighty familiar with Mary?’”

“I am prepared to believe, gentlemen, that this man in March felt his passion for this child. They quoted from Burma yesterday, and I’ll quote from the same man, where he says that there is no telling what a man will do when he has the place and the inclination. Ther eis no telling what the ordinary, common, ordinary, everyday man’s passion will make him do. And God knows what a pervert will do!”

Turning toward Frank: “You told the detectives that Gantt was familiar with her. How did you know it, if you didn’t know Mary Phagan?”

AS TO CASH SHORTAGS.

“The records show that shortages in the cash have appeared after Gantt left. And, gentlemen, I wouldn’t be surprised if Frank coveted Mary Phagan in March. I wouldn’t be surprised that if other girls in the factory could be gotten away from its influences, they would tell you that Frank tried to make advances to her.”

“I wouldn’t be surprised if Frank put Gantt out, not because Gantt would not pay that dollar that he says he didn’t owe, but because he wanted him out of the way so that he could carry out his diabolical plan of ruining this girl. I wouldn’t be surprised if Frank on Friday saw that Mary was not there to get her pay, and as early as 3 o’clock, hoping that she would come on Saturday, he told Jim Conley to report and watch as he had watched while Frank committed other crimes. I wouldn’t be surprised if when Helen Ferguson asked for Mary’s pay that you (pointing to Frank) refused because you had told Jim Conley to report to you and you had planned this final onslaught upon this poor little girl whom you would strip of virtue and make subservient to your will. Passion is subtle. It moves a mys-

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COURT ADJOURNS

UNTIL MONDAY

(Continued from Page 3.)

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terious way. And people don’t know what is in the mind of a libertine or how far ahead he looks. There is your plan, and there is your plot! And you may wiggle and twist and turn: And you may say that you didn’t know her! But I say you did!”

“Are you going to believe, gentlemen of the jury, that this little Helen Ferguson is a half-brained fanatic, and that the detectives have gotten her to perjure herself, when you

know the state of Georgia wouldn’t stand a minute for such a thing?”

“Frank makes a beautiful statement about those time slips, but I will pass them until later.”

“CONLEY CORROBORATED.”

Reading extracts from Frank’s statement and interpolating, Mr. Dorsey and interpolating, Mr. Dorsey continued: “‘I stopped to work, and chatted with Darley and Campbell.’ There’s your word again: ‘Miss Matie Smith came in about 9:15.’ That corroborates Conley. ‘I kept the cash box in the lower left hand side of the desk.’ Jim says that too. How did he know it? ‘I took a drink at Cruickshank’s soda fountain.’ Jim says he did too. ‘I went on chatting with Montag.’ ‘I brought the papers to the factory in a folder.’ Jim Conley told you that he had a folder. ‘Mr. Graham and another gentlemen came in.’ Jim Conley spoke to them near the front door. ‘I gave the man the pay checks and chatted with them near the front door. You see even in his statement he uses the words that Jim Conley put in his mouth. ‘Miss Hall left when the whistle blew.’”

“It was a holiday. I leave that to you. ‘A number of people were there. I chatted a few minutes.’ Again that word. In ten or fifteen minutes, this little girl whom I afterward found to be Mary Phagan, came in and I gave her, her money.’ No, you didn’t. She never got her money. When Mrs. White came downstairs at 12:#0, he was kneeling at the safe and he was getting out her pay check. As Mrs. White went on downstairs, she saw Jim Conley.”

“That is one circumstance that proves Jim Conley did not do it. Mrs. White went back upstairs and Frank went up in a hurry to get her out of the factory for he wanted to move the body from it lay, gagged, on the second floor. There was no reason why it should have bled very much. And if old Jim Conley hadn’t dropped the body where he did, there would have been no blood to show that she was attacked, knocked unconscious and gagged with this strip of her underclothes.”

“But after she had been gagged, Frank, knowing that there were people in the factory, and in order to save his reputation with the people in the B’nai B’rith with the Haases and with the Montags, with his people in Brooklyn and with his relatives in Athens, he tiptoed back and got the cord.”

“DEAD PEOPLE TELL NO TALES.”

Turning toward Frank: “And then to save your reputation—for you never had any character—you got the cord and drew it around the neck of that poor little girl who had fought so valiantly for her honor; and you pulled it tightly around her neck—because dead people tell no tales and ruin no reputations.”

“You,” turning to the attorneys for Frank, “talk about George Kendley’s leading a mob and your ability to run it! You,” turning to Frank, “you know that there are men in Atlanta who would have run over 10,000 like you if Mary Phagan had gone from the factory and told what you did to hear. Frank didn’t expect her to turn him down. But honor, thank God, that kind of stuff tow which you,” pointing at Frank, “are a stranger, was in the way. And when she

wouldn’t yield, you couldn’t control your passion; and you struck her; and you assaulted her, and you choked and gagged her, and then to save your reputation you killed her!”

“What happened to her mesh bag? I wouldn’t be surprised if it disappeared in the same way that the stick on the first floor, and the bloody shirt at Newt Lee’s house made their appearance. The first thing that he did, when he had gagged the little girl with her own underskirt, when he had gagged this little girl who went to her death for her honor—"

BEREAVED MOTHER OVERCOME.

“A terrific, piercing scream from Mrs. Coleman interrupted. The mother of the dead girl cried very audibly, and was not quieted for several minutes. Mrs. Lucille Frank, wife of the accused and Mrs. Rae Frank, his mother, both covered their eyes with their hands and appeared to be affected.”

“You tell me she wasn’t mistreated?” demanded Mr. Dorsey after pausing until Mrs. Coleman had been subdued. “I ask you to look at these torn garments. I ask you to look at them. I ask you to look at these stockings. As sure as you are born, that man is not like other men. Others without her stamina and her character, had yielded to this lust. But she did not: And when she did not, he gagged her and strangled her.”

“And able counsel go through the force of saying there were no marks on him. There were no marks on Durant, either. This girl gave up her life in defense of that which is dearer than life. And you know it, gentlemen of the jury.

This man says he had the impression of a female voice when he left the office."

MARY PHAGAN'S BLOOD.

"This little girl had worked in the metal department. That is evidence, undisputed. She went back there, gentlemen, to see if the metal had come. Was there ever such a farce enacter as the attempt to prove that that wasn't blood back there? Old man Starnes tells you that the blood spattered out. If human testimony is to be believed, you know it is blood, and you know it is the blood of Mary Phagan."

"I am going to read this man's statement unless I give out physically. Starnes tells you that he found more blood 50 feet nearer the elevator on the head of a nail. And Barrett, Christopher Columbus' Barrett, if you will, discovered the blood in the metal room before governor or mayor had time to write a reward Barrett had the nerve to tell the truth."

"Compare him with Holloway, who said in an affidavit in my office that they always kept the elevator key in the pencil factory office, and then when it was found that too many saw Frank start the elevator Sunday morning without a key turned around and said he had left it unlocked Saturday. That's Holloway. That's the man who changed his evidence and entrapped us, either to get his boss clear or to get the reward for Jim Conley, who he says is his negro."

"Compare him with Barrett. You know there was no reward offered before 8 or 9 o'clock Monday morning. I want to say that Barrett stands out like an oasis on a great

desert. He told the truth with his job at stake. When he says re-found hair on his macroine and blood on the floor, he tells the truth. And if anybody deserves a reward it is the man who tell the strength and the manhood of to tell the truth."

"Barrett didn't make his discoveries on May 15, either. They hadn't any resemblance to a plant. But you can wipe Barrett out of the case, and you have got an abundance of fine ground on which to stand. Mrs. Jefferson saw the spots, and in her opinion they were blood. Mel Stanford says that they were not there Friday, because he swept over there; and he says the bedroom be used on Friday', because he swept over there; and he says the broom he used on Friday was of finer fiber than the marks in the ascoline on the blood."

DARLEY'S AFFIDAVIT.

"The blood wasn't there Friday. Why? Because Jim Conley didn't drop the body there till Saturday afternoon. And to cap it all, Dr. Claude Smith, city bacteriologist, said 'I analyzed this and it contains blood corpuscles.' Now, Harry Scott didn't manipulate right. And this fellow-Pierce! Where is Pierce? Echo answers 'where.' Where is Whitfield? Echo answers 'where'. The only man they bring in here is McWorth."

"Starnes, Beavers, Rosser, say they searched around this scuttle hole and found nothing. Don't you know that Darley and Schiff would have been glad to rush to Frank with the news that this blood had been found there, so he could tell Scott and the police would work it out? But no! After Jim Conley's arrest, they realized in desperation that

something had to be done. We find those seven large blood spots—by the elevator shaft."

"He found too much, gentlemen. Does anybody doubt that these officers could have gone down through that scuttle hole and searched around it, and not have seen this blood? Half a dozen say they searched there, and two say they cleaned up and swept there. And yet not a one of them ever found this blood or even the envelope. It is in keeping with that plant at Newt Lee's house."

THE TIME CLOCK SLIPS.

"Sunday morning Frank took that slip out of the clock, and in answer to a question told these detectives that Newt Lee didn't have time to go home to his house and come back that night. Why didn't he? Because he knew if he did then, that the detectives would have examined the slips for themselves. No. He stood there—this Cornell graduate, this man of learning, surrounded by those men—and told them that Newt had not had time."

"But Monday, when he sees things are not working right against Lee and not working right against Gantt, he suddenly proposes in the presence of his astute counsel, Mr. Haas, that the police go out and search his house. And in the same breath he suggests to John Black that he has suddenly discovered that Newt Lee had time to go out to his house and change his clothes."

So Tuesday morning John Black goes out and finds a plant. Gentlemen, the man that did that job did it too well. He put blood not on one side of the shirt but he smeared it on both sides. And this carries with it unmistakable evidence that somebody planted it Monday morning. The

blood could not have dampened that shirt while it was worn.

“And that club down there: Dr. Harris and Dr. Hurt both say that the wound on the little girl’s head could not have been inflicted with that club. Not a negro in a thousand would have admitted the ownership of that shirt. But honest old Newt Lee would not deny it. He said he wasn’t sure whether it was his or not.”

ALBERT MCKNIGHT’S TESTIMONY.

“Isn’t it strange that Albert McKnight would have gone up to Beck & Gregg’s and told the tale he did if it wasn’t true? Do you believe that he didn’t see that man,” pointing to Frank, “who had just committed a murder, go to that mirror in the dining room to examine himself and see how he looked in others’ eyes. Did you swallow that story that that glass has never been moved since?”

Continuing to read from Albert McKnight’s testimony, Solicitor Dorsey showed where he testified that Frank stayed at home only five or ten minutes Saturday afternoon, and then went out again and caught a car.

“This is the same story,” said the solicitor, “that he told his wife, Minola, and the same story she told the detectives in the presence of her attorney. He could have then and there told her, before she signed her name to the affidavit, that if she swore falsely in that affidavit she could be sent to the chaingang. Or he could tell her not to worry about being locked up, that he could get her out on a writ of habeas corpus in two hours. He could have gotten a hearing just as soon as he could have found a judge, for the law is that a judge who refuses to immediately bear a

writ of habeas corpus is subject to a fine of $500 and impeachment. Isn't strange, gentlemen, I repeat, that so many particulars of Minola's affidavit are published even by the testimony of the Seligs themselves?"

SIDEBOARD MOVED.

"Then they sent out Julius Fisher and a photographer to try to prove that Albert lied—to try to prove that nowhere in the kitchen or the passageway could he see into the dining room. Why, it was shown by Mrs. Selig's own testimony that every time they give the dining room a thorough sweeping they move that sideboard, in whose mirror Albert swears he saw Frank."

"The gentlemen, as you will recall from the sworn testimony, stood not where Albert stood, but stood in a different place in the passageway. No, gentleman, you can't get around it. Albert McKnight saw Frank come in, saw him look at himself in the mirror of the sideboard, saw him turn around and leave the house. And why did he leave so soon? He was going back to the factory to keep his engagement with Jim Conley, whom he had instructed to come back and help burn little Mary Phagan's body in the furnace down in that dark basement."

"Do you tell me Craven and Pickett, two honorable men with no interest whatever in this case, would lies as to what Albert told them; do you tell me that George Gordon, a lawyer representing Minola McKnight, would have stood by and let her sign that affidavit if she hadn't been telling the truth? No, gentlemen, you don't believe it and I know you don't. Albert McKnight's story and his wife's affidavit

were the embodiment of the truth, and the know it. I know it, and you know it."

COULDN'T IMPEACH HIM.

"If anybody in the world can contrive a way to hear from the kitchen into the dining room, and contrive a way to see what the white folks are doing, it's a negro, and that's another thing you know without emphasizing that characteristic of negro nature."

"Oh, how they tried to tangle up Albert on the stand (reading passages from the testimony): how they tried to tangle him up! But they didn't succeed in a single particular."

"So, gentlemen, I submit to you that Albert McKnight told the absolute truth and that he stands unimpeached."

DORSEY VERY TIRED.

At this point Solicitor Dorsey stopped, mopped his face with his handkerchief, and showed signs of extreme fatigue.

"Do you think you'll be through pretty soon, Mr. Dorsey?" asked Judge Roan.

"No, your honor. I've got a good deal more to say yet, and I think I ought to be allowed to present my case to the jury fully."

"I know," said the judge, "and I agree with you. I was only anxious about the jury and you as well."

"Your honor," said the solicitor, "you adjourned court in the midst of Mr. Arnold's speech and in the midst of Mr. Rosser's speech. I think I should not be pressed. I am

mighty tired. I hardly feel as if I can go on. And I want my case to go to the jury right."

Attorney Arnold stepped up to the stand and conferred with Judge Roan.

"Colonel Dorsey, do you feel stout enough to step up here a moment," said he and the solicitor joined them.

In a few minutes they came down, and Judge Roan, with a reluctant

Expression on his face, said:

"Gentlemen of the jury, as much as I hate to do it, I don't see how in the word I can avoid adjourning this case over until Monday. I know you are tired. I'm tired myself. We are all tired. But we've got this case on our hands and we cannot and must not slur over it. We've got this case on our hands and we cannot and must not slur over it. We've got to try it through. The solicitor has more to say and cannot go further, as he's exhausted. So, I think I'll have to adjourn until 9 o'clock Monday. Be as patient as you can, gentlemen. Mr. Sheriff, take good care of them. Give them the very best treatment possible."

PDF PAGE 3

Solicitor Dorsey Says Circumstantial Evidence Is the Best;

Luther Rosser Says Last Word in Behalf of Leo M. Frank

JIM CONLEY WILL NEVER BE INDICTED, SAYS DORSEY

He Ridicules Charge of Religious Prejudice-Scores Defense.

for Failure to Cross-Examine Witnesses Who Swore

Frank’s Character Was Bad—He Cites Durrant Case as a Parallel and Declares Jury a Just Verdict.

When court adjourned Friday afternoon at 5:15 o’clock. Solicitor Dorsey had not really begun to sum up the state’s case, although he had spoken for two hours.

Three phrases of the prosecution were discussed by the solicitor before adjournment—the question of reasonable doubt, the potency of circumstantial evidence and the difficulty a lawyer finds in obtaining witnesses who will attack the character of a defendant.

Mr. Dorsey also paralleled the famous Durant case, in San Francisco, with the Frank case, and going to some extent into the details of the Durant case he declared that Attorney Arnold for the defense, was mistaken, when he asserted that after Durant was hanged a preacher confessed to the murder of Blanche Lamont.

“No one ever confessed to that crime,” said the solicitor. “Durant was guilty of that murder just as the defendant sitting there is guilty of having killed Mary Phagan.”

The solicitor announced that he would not indict Jim Conley for the murder. “Before Conley is indicted you will have to get another solicitor. If that be treason make the most of it,” dramatically exclaimed Mr. Dorsey.

Early in his speech he took occasion to pay his respects to Attorneys Rosser and Arnold, of the defense. He said that Mr. Rosser war the “rider of the wind the stirrer of the

storm,” and that Mr. Arnold was s “as mild a mannered man as ever cut a throat or scuttled a ship.”

The solicitor dwelt at some length or reasonable doubt as set out in the law and on circumstantial evidence, he declared that a reasonable doubt could not be defined but could readily be understood; that it was not a sentiment doubt, but one prompted by conscience.

Circumstantial evidence, said the solicitor had been held by the authorities to be the best evidence. He cited a number of authorities on both reasonable doubt and circumstantial evidence.

Denying that the state’s case against Leo M. Frank was based on perjury and prejudice, as charged by the attorneys for the defense, Mr. Dorsey declared that the element of religious prejudice had been brought into the case by the defense for a purpose.

Solicitor Dorsey began his argument at 3:30 o’clock. The court took a ten-minute recess at the conclusion of Mr. Rosser’s speech. When it reconvened Judge Roan directed Mr. Dorsey to proceed. His speech follows:

“I wish to thank your honor for the courtesy of allowing us to argue this case without a time limit. And to you, gentlemen of the jury, I wish to offer my commiseration. But as his honor has told you that this is an important case, important to society, to this defendant, to me, and to you. I would not feel like slurring over it for the sake of your physical convenience, and as good citizens I feel that you would not have me slur over it. It has been tedious, but when every day for nearly a month has been consumed,

the trial assumes such magnitude that it can’t be argued in a short time.”

“This is not only an important case. It is an extraordinary case. The crime was extraordinary-an awful crime, a most heinous crime, the crime of a demoniac. The crime demanded vigilant, earnest, conscientious effort on the part of your detectives and on my part. And it demands earnest consideration on your part. It is important because of the importance, standing and ability of counsel pitted against us—four of them—Messrs. Arnold and Rosser, and the two Messrs. Haas.”

“Extraordinary because of the defendant. Extraordinary because of the manner in which these gentlemen have signed the case; Mr. Rosser, the rider of the wind and stirrer of the storm, and Mr. Arnold, as mild a mannered man as ever cut a throat or scuttled a ship. They have conducted themselves extraordinarily.”

“They have maligned and abused me and the detectives. They heaped calumny on me to such an extent that the good mother of the defendant here arose and in this presence denounced me as a dog. It is an old adage, and it is true, that no thief ever felt the ‘halter draw with a good opinion of the law’”.

Turning toward the defendant and his party of friends, Mr. Dorsey continued:

“I don’t want your good opinion. I neither ask it nor seek it. And if you did give it to me, I would doubt my own honesty. ‘Prejudice and perjury,’ says Mr. Arnold. And then they use that stereotyped phrase, ‘It fatigues my indignation’ to argue this case. Don’t let this precious

indignation disturb your nerve and deter you from your duty. They ought to have been indignant. They have been paid to play the part."

"'Prejudice and perjury,' the say, gentlemen. DO you think that I or the detectives have been actuated by prejudice? Would we, sworn officers of the law, have sought to hang this man because of racial and religious prejudice, and passed up Jim Conley, a negro? Prejudice! When Gantt was arrested and then released: when Lee was arrested and exonerated. But when you get Frank, you get prejudice, they say.

NO RELIGIOUS PREJUDICE.

"Let us see. They were disappointed. The case was not pitched on the fact that this defendant is a Jew. By no word or act in this case have we indicated that he was Jew or Gentile, or black or white. We would have despised ourselves if we had asked for conviction on account of prejudice."

"The first time prejudice was brought into the case, it was brought in by them and brought in for a purpose. Never have I seen two men so delighted as Rosser and Arnold when they put those questions to Kendley. Never will I forget that scene. We did not put it in, and prejudice is not in this case."

"Mark you, they, not us, raised the cry of prejudice."

"I say here and now the race from which this defendant comes is as good as ours. His ancestors were civilized when ours were eating human flesh. I honor the race that produced Disraeli. I honor the race that produced J. P.

Benjamin, as great a lawyer as ever lived in America or England—and he lived in both. I honor Strauss, the diplomat, and the man who went down with the Titanic. I roomed with a man of this defendant's race at college. And one of them is my business partner. I honor Rabbi Marx, and I listen to him with pleasure and pride."

CITES ROSENTHAL CASE.

"But, gentlemen, when Becker wished to put to death Rosenthal, it was men of Rosenthal's race that he sought for his purpose. Abe Hummel has died in New York and Abe Ruef in San Francisco. And Swarts has paid the penalty the stabbing a little girl."

"These things show that this great people are amenable to the same laws as you and I; and the same laws as an African."

"They rise to heights sublime, but they sink to the depths of degradation."

Mr. Dorsey was talking from distance of several feet in front of the jury, standing at the table which the prosecution had used throughout the trial.

AS TO REASONABLE DOUBT.

"We don't ask a conviction of this man unless it is in conformity with the law which his honor the judge will quote to you. The judge will tell you not to convict this man unless you think him guilty, beyond a reasonable doubt. Now jurors and others sometimes get an idea that there is mystery about the term 'reasonable doubt.' It isn't easy of comprehension. The law of reasonable doubt is not

susceptible of definition. But just remember that it's not an abstruse proposition."

"In the 83rd Georgia one judge says: 'A reasonable doubt is one based on reason, and one for which a reason can be given; and it is such a one as will not leave the mind wavering.' In deciding the case, if you have a doubt, it must be such a doubt as to control your mind and govern your decision in the highest and most important thing of life."

"It is not a vague conjectural doubt that possibly the accused may not the guilty. It is such a doubt as a reasonable, honest man would have after an honest investigation. It must not be one conjured up to acquit a friend, but it must be governed by the evidence. It must not be a bare possibility of innocence. And it must not be the doubt of a crank or a man of over-sensitive conscience. Horton, in Criminal Evidence, says there shall not be an acquittal in all cases where there is a possible doubt, because it would lead to an acquittal in all cases. A reasonable doubt must be a doubt so solemn and substantial as to produce in the juror's mind great uncertainty. It must not, says Chief Justice Shaw, be a conjectured doubt, but must be founded on all the evidence or lack of evidence."

"Now, gentlemen, this phrase is incapable of precise definition expressed in words; but a comprehension of its meaning follows instantly upon its mention."

CIRCUMSTANTIAL EVIDENCE.

“It is sometimes said circumstantial evidence is not as good as direct. It’s a popular assumption that has no place in a court house.”

“Guilt may be established as well through circumstances as through direct evidence. The question is whether those circumstances satisfy your mind.”

“I am coming to the Durant case in a minute.”

“This thing of reasonable doubt originated at a time when a man’s counsel was not allowed to argue in his behalf. Some time in the future the reasonable doubt will be revised. It needs revision. There never was a case that illustrated it better than this. Horton says we are competent to think as jurors unless we think as men. Judge Hopkins says for a jury to acquit upon light, trivial, fanciful suppositions and remote possibilities is a disregard of the juror’s oath.”

“I know you can always get at any kind of an excuse, but when it is done it must be done outside of the jury box. Reasonable doubt means doubt growing out of evidence in the case, or the want of evidence. As said by Reynolds, ‘Certainty is never attained.’ You can’t get it outside of mathematics. But you can get a moral certainty in the jury box.”

“Now I’m going to pass from the reasonable doubt to circumstantial evidence. Some people set themselves up on a pinnacle and say, ‘I wouldn’t convict on circumstantial evidence.’ That is the nearest bosh. Authorities say that circumstantial evidence is the best.”

“People are getting better now, but even yet juries sometimes are reluctant to convict on circumstantial evidence, although the evidence may be as plain as can be.”

“Here’s another authority right on this point. ‘Juries are generally too reluctant to convict on circumstantial evidence. While they should not convict for the lack of positive evidence. Circumstances which should be but which are not explained should satisfy the jury. Any other rule would expose society to the most depraved man. The most atrocious crimes are contrived in secret, and under circumstances which almost preclude positive proof.’”

TAKES UP DURANT CASE.

“Mr. Arnold spoke about the Durant case in San Francisco. He said the hanging of that innocent man was the greatest crime of the century. I don’t know where he got the authority for the statements he made.”

Mr. Arnold interrupted: “I got my information out of the public prints as published all over the country.”

“On April 12, 1913,” Resumed Mr. Dorsey, “District Attorney Pickett, of San Francisco, wrote this letter—”.

Mr. Arnold objected to Solicitor Dorsey referring to a private communication.

Mr. Dorsey replied that the subject under discussion was a matter of public notoriety; that on Thursday he had telegraphed to San Francisco and that he had the right to read the telegram which came to him in reply.

Attorney Arnold persisted in his objection on the ground that the reading of the telegram would be

equivalent to the introduction of evidence. Mr. Arnold said he would have the same right to communicate with some friend of his and get information of the kind that suited his purposes. “My friend Dorsey must have read about the case himself, if he wrote to San Francisco away back in April.”

Solicitor Dorsey exclaimed with a dramatic gesture: “I anticipated, your honor, that some such statement would be made. I know the facts of this case, and I demand the right to submit to the jury.”

SMOTHERED APPLAUSE.

There was smothered applause among the spectators.

“Let me see the telegram,” said Judge Roan. The judge read it. While the judge was reading the telegram, Attorney Arnold remarked: “Why April 13 was two weeks before Mary Phagan was killed.”

After reading the telegram, Judge Noun asked the solicitor if he wanted Attorney Arnold’s statements to be expunged from the record.

“No, your honor, I don’t want them expunged,” replied the solicitor. “I want them to stay there.”

“Then you can state your information without reading the telegram,” said Judge Roan.

Mr. Dorsey resumed. The jury and the spectators were keyed to expectancy.

“My information is, your honor and gentlemen of the jury, that nobody has confessed to the murder of Blanche

Lamont, the girl who was found in the belfry of Emanuel Baptist church."

Then, reading from the forty-eighth Pacific Reporter, Solicitor Dorsey showed that the naked body of Blanche Lamont was found in the belfry of the church after having been missing two weeks; that Theodore Durant was a medical student of high standing in the church, and a young man of superb character.

HIS CHARACTER BETTER THAN FRANK'S.

"His character was far better than the character of Leo M. Frank," said the solicitor, "because not a soul cmae forward to testify against him.

"This record shows that the crime was committed in 1895, and that Durant was not hanged until 1898."

"The facts are that the mother cremated the remains of her hanged son in order to keep them from being used by the medical students."

"There never was a guiltier man; there never was a man of higher character than the murderer; there never was a more courageous jury, and there never was a better satisfied community."

Continuing to read from the record, Mr. Dorsey cited briefly the principal facts of the Lamont murder, after which he said: "There are lustful murderers, gentlemen of the jury. There are plenty of instances where, in the height of exultation, a murderer has mutilated the body of his victim almost beyond belief. The body of this Lamont girl, for instances, was stripped naked without any apparent

reason. Strangulation was the cause of her death. Her clothing was hid in the rough woodenwork of the belfry. The defendant was arrested on April 15, 1895. Durrant was 24 years old, a student at the Cooper Medical college, a member of the National Guard, and intensely interested in religious work—and that embraces charity," looking at the defendant hard.

"He was a member of the Christian Endeavor society, was librarian of the church, and assistant superintendent of the Sunday school."

"Among his fellows he bore the reputation of a zealous and upright young man. His defense was an alibi—the last resort to which the guilty flee."

"He claimed to have attended a lecture on the properties of milk, at the medical college, at the time the prosecution claimed he was committing the murder."

"The deceased, Blanche Lamont, belonged to the Christian Endeavor society, and was on relations of cordial and trusted friendship."

"Durant had a key to the church. A number of people saw Durant and Miss Lamont together on the day of the tragedy. Finally one witness appeared who saw them going toward the church together, and a short distance from it, at 4 o'clock on the day of the murder. At 5 o'clock the organist let himself into the church with his own key and was seated at the organ playing when the defendant came in from a back door, hatless and coatless and nervous and pale, and stood looking at him."

CASES PARALLELED.

“There were no scratches or bruises upon Durant. Durant said he had been fixing the gas and was almost overcome by it. He didn’t say that he was fixing a financial sheet—like this defendant. Then he handed the organist fifty cents and asked him to get him a bromo seltzer. “This man,” pointing to Frank, “Wanted coffee and breakfast.”

“There were no scratches or bruises upon Durant. Durant said he had been fixing the gas and was almost overcome by it. He didn’t say that he was fixing a financial sheet—like this defendant. Then he handed the organist fifty cents and asked him to get him a bromo seltzer. “This man,” pointing to Frank, “wanted coffee and breakfast.”

“The organist brought the bromo seltzer and found him lying down in the Sunday school room. He did not run out to meet the organist, as this man did to meet Lee. The bromo seltzer seemed to nauseate him, but afterward they went out to move a small organ, and the defendant seemed weak and had to stop several times.”

“This man,” pointing to Frank, “couldn’t run the elevator, couldn’t nail up the door, and he trembled when he sat on Darley’s knee in the automobile.”

“This man,” still pointing to Frank, “talked naturally and normally at home, and when the officers of the law confronted him he was nervous and showed his guilt. The organist and Durant separated 6 o’clock. Ten days after the disappearance of Blanche Lamont her aunt received a package containing every ring she wore.”

The package was wrapped in a news paper and on it was writing the names of George King and Professor Shertine, a friend and the music teacher of the deceased. A

pawnbroker testified that one of the rings was pawned the day after the murder by the defendant. You see, gentlemen, the accuracy of Mr. Arnold's statement. He is an honorable man and wouldn't mislead you, but you see how prone we are to errors.

"Dr. Cheney had lectured at the college. Dr. Graham, a friend of the defendant's, had attended. This man Durant might have known he would be caught in this, as has been this man Frank. Graham took original notes, and the defendant also claimed to have taken notes which were introduced in evidence. We sill see if Durant's friends stood by him as well as this man Frank's friends.

"The evidence showed that the body was drugged into the belfy. Durrant was librarian, and he didn't want the body to be found there."

"This man," pointing to the defendant, "didn't want the body to be found on the second floor of the National Pencil factory, so he had it moved to the basement."

FAILED TO MAKE ALIBI.

"Durant went to Professor Graham and said, 'If you'll give me your notes I'll make an alibi.' But did Professor Graham come to this man's aid with an alibi like Frank's friends came to his aid? No."

"The defendant (Durant) explained his distressed condition by declaring that he had inhaled gas. At 5 o'clock he was seen in the church. At 6 o'clock he left. Two weeks afterward this girl's corpse was found, where he had dragged it, in the belfry. This man," pointing to Frank, "dragged Mary Phagan's body off the second floor."

“That is the case that Mr. Arnold says went wrong. That is the case where he said the jury made a mistake in convicting.”

“The jury in that case did not go wrong, gentlemen. The judge who tried the case, approved. The court of appeals approved it. The people approved. And it is not true that any man ever confessed to it, because the dastardly deed was done by Theodore Durant and by nobody else. And, gentleness, there sits the man over there that is guilty of this crime, and nobody else.”

“Before I get done with the state’s case I want to clear out the underbrush and I am not going to mislead you; I am going to do my duty and I expect you to do yours. If you think he is not guilty, free him!”

“But if he is guilty gentlemen, put a noose around his neck.”

“Now let’s consider this good character proposition. If a man attains any degree of respectability at all, it is not hard to get somebody to testify to his character, it is not hard to get character witnesses, gentlemen, but the hardest thing on earth for a lawyer to do is to get somebody to go up on the stand and say that a man’s character is not good.”

“They put the issue in and we met it, but the proof of good character should not matter with you if the guilt is proved to your satisfaction and remember that the hardest thing in the world to do is to break down the testimony of character witnesses if a man really has good character.”

“Mr. Arnold all the time during this trial—I don’t know whether he was trying to frighten you, I, or the judge—kept saying. ‘I’m going to demand a mistrial.’ It may be an attribute of a great lawyer to put witnesses on the stand who will perjure themselves; if it is I don’t want to be a great lawyer. I am not going to say that anybody else lied. I’m not going to name anyone, but I’ll put it up to you to say who is lying and who is telling the truth, and I’ll be satisfied with your verdict, gentlemen.”

“I know the thoughts that beat in the breast of honest men.”

“The books of law say that good character must not hinder conviction, if guilt is proved to the satisfaction of the jury.”

“The books of law say that good character must not hinder conviction, if guilt is proved to the satisfaction of the jury.”

“The evidence in this case demands that you convict that man.” Solicitor Dorsey pointed at Frank with the remark.”

“And now I want to talk to you about those letters to grand jury about the conscience of Dr. Billy Owens who went over to the factory with Brent.”

“And Fleming”—Attorney Rosser interrupted him at this juncture with an objection. “There’s no evidence that Fleming went over there, your honor.”

Solicitor Dorsey attempted to continue but Attorney Rosser shouted, “Wait a minute.”

“Well he admitted that the name and initials were the same,” said Dorsey. Judge Roan declared that he didn’t remember just how it was in the evidence. “All right,” said Dorsey and continued.”

“A man by the name of Fleming then—well I guess I can say that—went over to the factory and helped pull off this little farce.”

“And Owens and Fleming are the men who tried to dictate to the grand jury. And Owens is the man whose counsel sits there.”

WILL NOT INDICT CONLEY.

“Mr. Arnold says Conley never was indicted. No, and he never will be, as long as I am solicitor general. He is an accessory after the fact by his own admission and no more than that.”

“Billy Owens may feel the pangs of his conscience, but no man will ever put a rope around Conley’s neck to hang a man who is not guilty, and I’ll say that you’ll have to get another solicitor general before you hang Jim Conley, lousy negro that he is.”

“If that be treason, make the best of it.”

JUST CLEARIING THE UNDERBRUSH.

Mr. Dorsey read from the 91st Georgia report a decision reading: “If guilt is plainly proven it is the jury’s duty to convict, notwithstanding good character.”

He said: “But in this case we haven’t got good character as a starting point. Mark you, now, I haven’t got

to the body of this case yet, I'm just clearing up the underbrush."

From another decision Solicitor Dorsey read: "Where character is put in issue the direct examination must relate to the general character, but on cross-examination particular incidents may be brought out to test the extent of the witness' knowledge of the character in issue."

Continuing, Solicitor Dorsey said: "We did go into particular incidents with one witness, but with the others we did not because we did not want to drag into the case anything that we could not prove."

"But with our witnesses, gentlemen of the jury, whom we were allowed to examine only as to general character, they did not dare to go into details. Mark that. We could not go further, and they dared not."

"Do you tell me that those good people from Washington street, Dr. Marx and the rest of them, know as much about the character of this man at the factory as those little girls who formerly worked there and who are now away from the influence of the National Pencil company?"

"CONLEY FLUSHED THE COVEY."

"Do you tell me that if my character were put in issue, Detectives Starnes and Campbell, if they were unprincipled enough, could get witnesses to do their bidding and swear against my character? No, they could not. You know it as well as I do. It's a dastardly suggestion, in whose veins flows the same blood as in the veins of one of the able counsel for this defendant, could get girls to swear against

the character of a man against whom they know nothing. No, I don't believe it, and you don't, either. Those people on Washington street who ran with the Dr. Jekyll, of the B'nai B'rith, did not know that Mr. Hyde of the pencil factory."

"Even if old Jim Conley didn't tell the truth, he certainly flushed the covey when he fired. He flushed Daisy Hopkins and C. B. Dalton. How was it he knew about them if it was all lies about his watching for Frank? It was sworn by a reputable witness that he saw Dalton going to the factory. You've no doubt he went there."

"Now, gentlemen of the jury, put yourself in this man's place. If your character was good, and it was put in issue, and 20 girls came here and swore your character was bad, and your able counsel had the right to demand of them to tell what they knew against you, do you think you'd sit mute and

(Continued on last age.)

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JIM CONLEY WILL NEVER BE INDICTED, SAYS DORSEY

(Continued from Page 3.)

let your counsel pass them by without a question?

"No, of course you wouldn't I wouldn't. Nobody would."

"You'd want to know from curiosity, if nothing more, what they knew against you. If they were telling lies on you, you'd want to nail the lies and expose them."

“Here’s an innocent man, according to himself and his lawyer. He has three able attorneys. Twenty circles swear to his general bad character, and to his particular character with reference to his conduct with women—to his uncontrolled and uncontrollable passion that led him to put an end to innocent little Mary Phagan.”

“Yet they let everyone off those witnesses go by and didn’t ask them a single question. Ah, gentlemen, it’s not necessary for me to explain to you the reason why they let those witnesses go by. They were afraid for those girls to tell you what they knew about Leo M. Frank, and you know it.”

ONE WITNESS LEAKED.

“Why one of their own witnesses leaked—Miss Jackson, you recall her. Did you notice how innocently she let it drop that Frank had come and pushed open the door of the girls’ dressing room on the fourth floor?”

“No, what business did he have in that dressing room? Why didn’t he send a forelady in there to stop the flirting? He had several foreladies. Ah, gentlemen, old Jim may not have been such an awful liar as the able counsel would have you believe.”

“According to a girl who works there now—and who is brave enough to come up here and tell the truth—she was in the dressing room one day when he came in there. She said she had heard of other times. Had heard that there was a complaint made about it.”

“He went in there with Miss Rebecca Carson. The judge wouldn’t let me ask how long they stayed in there. I never

quite understood on what principle he ruled that way, but maybe it was the law according to his view, and I submit to his ruling. Anyway, they went in together, and they came out together."

"Now, what were they doing in there together? Was Frank in there with Miss Carson to find out if the girls were flirting through the dressing room windows?"

"Maybe Mr. Arnold, with his affidavit face and his high priest manners, will say that Miss Jackson, his own witness, who testified to seeing Frank go into the dressing room with girls, is a crack-brained idiot and a bald-faced liar."

"Of course, gentlemen, if you just don't want to convict this man. If you just won't believe the testimony about his going into the dressing rooms, and the testimony that his character was bad—if you just will disregard those things, you can. But its put up to you, and it was testified by witnesses in every way as reputable and as honest and as disinterested as their witnesses."

"You notice Mr. Arnold, always with that sanctimonious air, said, 'Now we're going to ask you a question we've asked every lady who works on the fourth floor.' He put the emphasis on 'every.' You noticed that.

"Then lo, and behold, next day we ran across a girl on the fourth floor whom they had not subpoenaed, and she told of several others. And mark you, the one we found was one of those who testified against Frank's character."

"How many more do you suppose they inadvertently overlooked on that fourth floor?"

Court adjourned at 5:20.

ROSSER CLOSED AT 3:15, P. M., FIRIDAY

He Spoke at Length of Conley's Testimony, Declaring the Negro Was Schooled and Trained by the Detectives and Solicitor Dorsey to Tell His Story Like a Parrot-Explained Why Defense Did Not Put Mincey on the Stand

Attorney Luther Z. Rosser, making the closing speech for the defense, spoke for an hour and fifteen minutes Friday afternoon. He dwelt on the negro Conley's story, declaring that it was the product of careful cultivation on the part of the detectives and Solicitor Dorsey. He said the detectives had taught and drilled Conley in his story like high school and college faculties. He said they started him at the beginning and gave him the whole course, including a post graduate degree. He said he wouldn't hang a yellow dog on such a testimony. In reference to Mincey, Attorney Rosser declared the defense didn't put him up because they didn't need him. If Mincey were the soul of honor, he said, the jury needed nothing better than Conley's own admissions to prove that he is a monumental liar. And if Mincey himself is a liar, he said, then they were glad to wash their hands of him.

Mr. Rosser's afternoon speech follows:

Court resumed at 2:01 o'clock.

Attorney Rosser had before him the affidavits furnished by Jim Conley and the transcript of his evidence in court.

"I told you before dinner how horrible it was," said Mr. Rosser to the jury, "to allege perversion against this young

man young man when there was no evidence to substantiate it. No witness in the case has made one statement to back up the accusation of this lying negro."

Judge Roan interrupted, and Deputy Sheriff Plennie Minor announced that a telephone call had been received from relatives of Mr. Barr, and that if he was in the audience he should leave, for someone was sick at home.

Attorney Rosser resumed.

"It wasn't to be supposed that any of these little girls who testified ever dreamed of such things as were whispered here. If he were guilty of perversion, he would have paid the penalty long ago. It is inconceivable to believe that he is guilty of that. I told you that Conley had no one but Dalton to support his story. And even Dalton doesn't support the perversion accusation. Dalton doesn't say Frank did anything wrong. Dalton says only that he saw Frank in a room with two women. Even he can't accuse this young man of perversion. Even he doesn't pretend to do that."

"It's funny how these two men differ—this prince with the whit skin and this prince with the dark skin. This man Dalton said he went with Daisy Hopkins—one so beautiful he didn't care for other women. Even Conley doesn't compliment Dalton. He doesn't say Dalton is the owner of the real peach. He said that Frank had the real peach, and that Dalton had to be contended with a lesser light who lived between Haynes and Hunter streets. Conley gives you a detailed account of what he did on Peters street. He tell where he bought his liquor. He tells or the Butt-In saloon. Did Bob or any of these dice shooters that he

speaks about come up to substantiate him? Did any of them come up and say ‘This man tells the truth?’ Did anybody say ‘I drank that double-header with Conley?’ Where are they?”

SHAKES FINGER AT STARNES.

Mr. Rosser walked over to Detective Stares and shook his finger about a foot from the detective’s nose. “You don’t know Starnes. You don’t know where they are.”

Mr. Starnes spoke. “No, I don’t know where they are.”

“And Starnes, gentlemen, could find a needle in haystack. I wouldn’t want to risk him in a larger area. I wouldn’t want to turn him loose on an acre. But I think he could find a needle in a haystack. Yet where are these negroes? These policemen know Peters street and they know every negro that inhabits it. Why couldn’t they find Bob and these dice shooters, and the man that drank the double-header, and the man that helped put wine in the beer of Conley?”

“This negro is no ordinary negro. Did you notice him on the stand? ‘What’s your name?’ ‘James Conley.’ That’s the way he answered him. ‘James.’ Did you notice it? It wasn’t Jim. Maybe one time when he wallowed in the mire of the streets it was Jim. But after some sinister man had shaved and bathed and pampered him and used scented soap in his hair, he was ‘James.’ He said Snowball heard Frank when Frank engaged him twice to watch for him, once on a Saturday and once on Thanksgiving. Conley swore it.”

“I let him swear time and time again just to see what he would say. But Faceball wouldn’t bear him out. Snowball

was more truthful than Conley. He was under the domination of the police. They had him in jail for weeks. But even he wouldn't come up and corroborate Conley, 'They talk of Frank throwing suspicion on different people. Why Frank couldn't make that detective department suspect any man! Nobody could—not the right man. I am reminded of what Charley Hill used to say about the police department. He said 'They are like sparrows.'"

NO MAN SUSTAINS CONLEY.

"I didn't think there was a man in the world who would sustain Conley. Did you hear me ask Snowball if he had overheard Frank make an appointment with Conley? Did you hear him say 'No, sir?' Snow ball said Conley lied. And they're both the same style of negroes. If he could have said 'Yee,' and pleased the Atlanta police force, he'd have been glad to do it."

JOIN POLICE OR LEAVE TOWN.

"If Snowball could have told that lie to please the police department, don't you think he would? Don't you know he would? If I was a negro, I'd either join in with the police or I'd leave town."

"Then we brought another negro, Truman McCrary—that long-legged broad-shouldered drayman, a type of the real old southern darky. He's no product of a cocaine and cheap beer. He disputed Conley's story absolutely about Conley's asking him certain questions."

"What reason was there for Conley to ask him that question? He knew the factory, and Truman didn't. What reason was there for Jim to tell that lie on the stand? The

reason is he’s got an African imagination and he wants to put a frill on everything he says.”

“Then there was Schiff, and Holloway, and these office boys, who had been there every Saturday. And they all disputed Conley about his watching, and about Frank having women in his office on Saturday afternoons. Don’t you believe those fresh, innocent little boys? Why, gentlemen, you’re obliged to. Outside of Dalton, there was not a soul, either white or black, who corroborated Conley in the slightest.”

“My friend Hooper said that I didn’t break the negro down. That’s a silly statement. I’ve practiced law for many years, and I never have broken down a witness in the sense that he means. What did they want me to do—pick up a chair and knock him off the stand? God bless my soul, I wish I could! I don’t know what he means by ‘breaking him down.’ But I know what we lawyers mean. We mean that to break a witness down is to demonstrate that he has lied. I guess you never in your life heard a white man admit on the stand that he was a liar. His Anglo-Saxon blood makes the idea repugnant to him.”

NO CHARACTER TO SUSTAIN.

“Like John Black, old honest John, who admitted on the stand that he was befuddled and did not know whether he was standing on his head or on his feet. A white man will generally admit that he’s mixed up, if he is. But that negro didn’t mind admitting that he lied. Why should he? He had no character to sustain. How after hour he sat there on the stand and admitted that he had lied. I was doing that,

gentlemen, to demonstrate to you his utter worthlessness as a witness."

"I just swore him to show how he would swear when he had chance."

"It is true that he stuck to his story. Certainly he did. He stuck to it word for word. You know you can take an actor and let him memorize his lines, and you can wake him up in the middle of the night and he can pick up right in the middle of the speech of Banquo's ghost and repeat it word for word. But put him on anything else and he's absolutely lost. You even can train a dog or a horse to count, and you can't flurry him so long as he counts what he has been taught. But take him off of that and he's just an ordinary dog or a horse."

MEMORIZED HIS STORY.

"That was the way with Jim Conley. Every time he got away from his main story he either admitted that he lied or else he said, 'I disremember.' Gentlemen, there's no better sign in the world that a man has memorized his story and that he is lying. Except for his main story that negro was the biggest fool I ever saw. You can look through the record of his testimony and find page after page where he said, 'I disremember.'"

"Why, even on his own main story he had no recollection except as to the verbal words. He was just like a parrot. For instance, he said he heard Frank tipping back and forth from the metal room. I asked him who he told that to, and when was the first time he ever told it. And what was his answer? 'I don't remember.'"

Mr. Rosser here told the story of the trial of Queen Caroline, where the only ones who could be found to swear against her were some Italians. He told how they memorized their story and told it parrot line, word for word, and how when asked to give other details, they gave other details, they gave the famous answer in Italian which meant ‘I don’t remember.’”

“Those words,” said Attorney Rosser, “have come down in history as the words of shame and degradation. In the law books they stand as the badge and signs of perjury.”

CALLS DETECTIVES “PROFESSORS”.

“‘Yes,’ they said, ‘but Jim couldn’t make up a statement like that.’ Well, I couldn’t climb that pole over there by myself. But if I had Starnes and Campbell and Rosser and Lanford to help me. I know I certainly could get up. If I had these professors to teach and drill me, I know I could be made letter perfect. Professor Starnes, of the chair of the theology; Professor Campbell, my Irish friend; Professor Black, he of the third degree. And then, in charge of them all, Dean Lanford. Here comes the dean now,” Chief Lanford was walking into court. “Dean, I greet you!”

“Tell a southern man that a negro can’t make up a story? They are not mathematicians nor are they architects. But who is there that doesn’t believe that an African has a wonderfully keen imagination? If he doesn’t so believe, he makes a big mistake. You can’t tell me they won’t lie out of any crime, and that they can’t lie out of it.”

“Nobody knows better than these police, how they lie. Take a negro with stolen chickens. He always says he

bought ’em from Aunt Lizzie Jones. It’s gotten so now that Andy Calhoun sends ’em to the chaingang just the minute they say that. Tell me they haven’t imagination? I had old negro mammies tell me about B’rer Rabbit and tar-babies long before I ever heard of Uncle Remus.”

“LITERARY NEGROES.”

“When it comes to fixing up a gruesome story, there’s not a man within the sound of my voice that can fix one up as well as a negro. Let’s take up Conley when my friend Scott learned first that he could write—although Conley was badly frightened before that when he saw Mrs. White. And remember that before Scott got him he had what a pity it is that we have literary negroes!”

“So when Scott told him to fix up a story, he fixed one and said that he wrote the notes on Friday. Then they took that negro and gave him what I say is the third degree. They say that it is not, but if it is not, I’d hate to get the fourth degree. I can hear them now. Here they go: ‘You dirty black scoundrel, don’t you know that it couldn’t possibly be true that you write those notes on Friday.’”

“Oh, we know what Black and Scott did, but we don’t know what was done when they were taken out of the game. They had James in the high school I don’t know even that we could call them full professors. But here is the way they would do: Professors Scott would say, ‘Now, stand up James, and recite. Why, James, that couldn’t be right. It couldn’t have been done on Friday.’ ‘That’s right, boss. It was Saturday.’ ‘That’s better, James. Now repeat.’”

“And so they went on. I am not guessing about this, for we knew what Scott said that he and Black did. He said it

on the stand, not as bluntly as I have, but just the same thing. What were those men doing, talking with the negro five hours, after he had made a statement saying he had told the whole truth? Was it right to take a mana s plastic as that negro, and train him day by day and hour by hour? When Scott and Black were through, we thought his education was complete. But not so. They took him to a university. When Scotta and Black finished with him in all credit to Black's decency, there was no perversion. They had milked him dry and didn't find it. And there was no watching either."

PIOUS PROFESSOR STARNES.

"But as I say he graduated into the university. Who were the professors there? There was Professor Starnes. I would give anything if I could be as pious as he looks. And Professor Campbell and Professor Dorsey. We don't know what they did at the university, for they didn't dare put what they did in writing. We followed the trail of the serpent, with Conley and Black and Scott. Scott told the whole gruesome, horrible story of that trail. After that, no one knows what it was that made the trail too easy. The training in the university should have been as open as it was in the high school."

"When did they add perversion, and who added it? When did they add tiptoeing, and who added it? For thirty or forty days they had him—Professor Starnes and Campbell and Dorsey and sub-Professor Hooper. Seven times Dorsey had him, and three times Hooper had him. Is it fair and just to take this plastic negro and train him so that nobody can recognize his last statement? And who

knows that it is the last? Is this 157th chapter the beginning of the end of his revelations? I think there has been a new chapter added–a chapter new to Dorsey and Campbell. But who added it, we don't know. They called his name a second time, and then they didn't put him on the stand. They feared the new revelation."

"Let us imagine Frank is as vile as you want him to be, and that the factory is a vile place. Still, gentlemen, I say it is impossible for Conley's story to be true."

RIDICULES DR. HARRIS.

"I don't care about the doctors' row. It was very funny. But I don't see that it has anything to do with the cases. Did you listen to Harris? If I believed him, next time I get sick I'd send for him and give him the earth if I had it. I know how well, and I think he believes he was telling the truth. But he says that he knows she got the wound fifteen minutes before death! Ha, ha, ha!"

"I can eat anything in the world, from whetstones to cabbage; and cabbage is the only thing that I will taste the next morning. I can drink anything in the world, from beer to champagne; and champagne is the only thing that I can taste in the morning. You notice they always said normal stomachs. I bet there ain't three men in the room whose stomachs haven't got some defect. Are your features all perfect? Are mine? Is your nose perfect? Is mine No, there aren't three people in this court house whose features or whose noses or whose stomachs have no defect. I know this statement of Dr. Harris' isn't true. I know Westmoreland and those fellows told the truth when they

said Harris' story was all guess work. Not that it is vital. But I know it isn't so."

MANY ARRIVED AT 12:30.

"Now, when did this little girl come into the factory. The theory of the state is that the Phagan girl came to get her pay, and by some plan was inveigled into the back room. Let's see if that is probable. She got there about 12:12. Now, Mr. Dorsey is going to say this isn't so. But let's go over the evidence. Let's find the reliable evidence, not of men who looked at their watches three months ago, nor of men whose watches were in the pawnshop, but of the witnesses who ought to know. The motorman who ought to know. The motorman and conductor, or one of them says she rode around to Broad street on the car on which she came to town. Her mother, who tells the truth, says she left home at 11:45. That gave her five minutes to get to the street car line. She got the car at 11:50 o'clock."

"According to that, she must have gotten to town at 12:07. Maybe she didn't. Put it any time, within a radius of a few minutes. Maybe she didn't. Put it any time, within a radius of a few minutes. Say she got there as early as 12:05. She'd have seen the Stover girl then. She must have been there afterward. I 'm not doubting the little Stover girl's story. I don't doubt that she looked in the inner office, even. But she may have been mistaken about the time. Or this young man may have stepped out of the office for a few minutes. Who knows? I don't. But at 12:20 o'clock, when Lemmie Quinn went into the office there, this defendant was sitting at his desk. Do you suppose he could kill a girl in ten minutes, and come back calm and cool and

unruffled and not bloody? And go dispassionately to work? He's a magician, if he can. He's a thousand times more wonderful than a faker of India, if he can. He must have disposed of the body, according to Conley, after 6 minutes to 1. Conley left at 1:30, and I guess he tells the truth, inadvertently or accidentally, God knows how! But he says he went across the street and ate a sandwich and looked at the clock and it was 20 minutes to 2. Then if Frank is guilty he was at the office between 6 minutes 1 and 1:30. Who believes that? Do you believe that the devil has entered into Miss Curran? She saw him at 1:10. Did the devil make her perjurer? At 1:20 Mrs. Levy saw him. Are you going to call her a perjurer?"

MINOLA PERJUERER TOO.

At 1:30 Minola McKnight saw him. This daughter of Africa—you've got to call her a perjurer, too. And worst of all—oh, how awful it is!—you must make a perjurer of Minola McKnight's husband, and I don't see how anybody could do that. That Minola McKnight incident is the blackest chapter in this case. Two white men united in a bad scheme to get the story out of her they wanted. And Starnes, honest man that he is, told the truth when he said that before she could get out he had to call Dorsey twice.

"Where is Beavers, who stood by and saw this crime committed– Where is Beavers, who made himself a party to this crime? Oh, what a spectacle was this chapter to put in writing! Can you say this man was in the factory until 1:30? Who says he wasn't? Miss Curran, Mrs. Levy, Minola McKnight; and his mother-in-law and his father-in-law."

“Are you going to make them all perjurers? And even Albert McKnight, by hook or crook, managed to tell the truth. He said that Frank was there, but he did it without the faculty of the detective school to guide him. Gentlemen, probably nobody on earth has the power of an American jury. It can send a life to the hereafter like lead drops to the bottom of a pond. But I have yet to find a jury, gentlemen, that will send a man to death on this evidence, when monsters so devilish that they never ought to enter a court house, vile perjurers that they are, get on the stand and swear away a man’s life. DIDN’T NEED TO SWEAR MINCEY.”

“As I believe in God himself, I know that you cannot find this man guilty

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ROSSER CLOSES AT

3:15 P. M. FRIDAY

(Continued from Page 3.)

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unless you are prepared to believe the greatest lot of perjury on earth. I am nearly through but I want to call your attention to one more thing. You have heard of Mincey. We could have sworn Mincey, but why have an hour’s or day’s wrangle about his credibility? We didn’t need to swear him. The negro lied and lied and lied, and got up on the stand and admitted that he lied. He told a million lies. Why should we put Mincey on the stand? Were he as vile as some of the creatures who have testified here, we are glad we washed our hands of him. But if he has the character of George Washington, we don’t need to put him on the stand.”

“Any truth that needed much watching and that much cultivation and that much care, should certainly not be used to convict a man, no matter what his character or what his race.”

“If I was raising sheep and was particularly careful about my lambs. I might hang a yellow dog on such testimony. But after I went home that night, and after the dog had expiated his crime on the gallows. I’d be ashamed of myself.”

“You’ve been overly kind, gentlemen. You remind of a story Sol Smith Russell told. He was telling of his career as a lecturer. He said, in that characteristic nasal tone, that he seats had all held out but that they had to because they were screwed to the floor. Whether you wanted to hear me or not, you have heard me because you had to. Again, I say, you have been peculiarly kind. The object before you has been a very serious one. I thank you.”

It was 3:15 o’clock when Attorney Rosser closed. Court took a brief recess. Then minutes later Solicitor Dorsey opened the final argument in the case.

It was expected that Mr. Dorsey Friday afternoon and that it would be Friday afternoon and that it would be continued until Saturday morning.